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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/823,461	04/13/2004	Ted Andrew Peters	MSFT-3489/307340.01	4601
23377 7590 09/06/2007 WOODCOCK WASHBURN LLP CIRA CENTRE, 12TH FLOOR 2929 ARCH STREET PHILADELPHIA, PA 19104-2891			EXAMINER LEWIS, CHERYL RENE A	
			ART UNIT 2167	PAPER NUMBER
			MAIL DATE 09/06/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

**Application No.**

10/823,461

**Applicant(s)**

PETERS ET AL.

**Examiner**

Cheryl Lewis

**Art Unit**

2167

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 21 June 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-40 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. This office action is in response the applicants' amendment received on June 21, 2007.
2. Claims 1-40 are presented for examination.
3. The applicants have amended claims 1, 19, 20, 23, and 33 in the amendment received on June 21, 2007.
4. Applicants' arguments with respect to claims 1-40 have been fully considered but are deemed to be moot in view of the new grounds of rejection.

### ***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:  

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
6. Claims 19 and 33 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 19 and 33 recite the claim limitation "evaluating", however there is no information provided to state what this "evaluation" is and what this "evaluation" does. The Examiner kindly suggests the applicants consider amending the claim language to include a "wherein" phrase. This "wherein" phrase can be followed after "evaluation" and providing the evaluation a clear and detailed functionality of the limitation.

***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claims 1-40 are rejected under 35 U.S.C. 102(e) as being anticipated by Bent et al. (Publication No.: US 2004/0230911, filed October 23, 2003, hereinafter Bent).

The applied reference has a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

9. Regarding Claim 1, Bent teaches a system and method for controlling user interface properties with data.

The method and associated for controlling user interface properties with data as taught or suggested by Bent includes:

a computer (§0015, 'computing device, element 100) that stores a plurality of binding statements specified by declarative statements (§0019, i.e., elements 260-272, §0055-0057, 'Creation means 400-410 creates the binding through markup.'). the

plurality of binding statements comprising at least a first binding statement and a second binding statement (§0021 and 0022, 'the bindtype includes one Way, twoWay, and oneTime');

a data binding engine (§0016, 'binding engine, element 224') executing on a computer (§0015, 'computing device, element 100) establishing a priority order (§0229) in which the plurality of binding statements are to be executed by the computer in order to bind the target to the source (§0021 and 0022, 'the bindtype includes one Way, twoWay, and oneTime'), the binding engine evaluating the plurality of binding statements to determine content to be displayed in a user interface during execution of the user interface software (§0022 and 0023) by the computer.

10. Regarding Claim 2, Bent teaches binding statements is associated with an execution priority (§0060, 0064, and 0065).

11. Regarding Claim 3, Bent teaches execution priority is indicated by a sequence of the plurality of binding statements (§0060, 0064, and 0065).

12. Regarding Claim 4, Bent teaches first binding statement is associated with a first priority and the second binding statement is associated with a second priority (§0060, 0064, and 0065).

13. Regarding Claims 5 and 7, the limitations of this claim has been noted in the rejection of claims 3 and 4 presented above. They are therefore rejected as set forth above.

14. Regarding Claim 6, the limitations of this claim has been noted in the rejection of claims 3 and 4 presented above. They are therefore rejected as set forth above.

15. Regarding Claim 8, Bent teaches the first binding statement comprises a data source (§0066, '...binding should use as the source data item.', §0072, '...binding properties to data sources, data source classes...').
16. Regarding Claim 9, Bent teaches an object accessed via a URI (§0592).
17. Regarding Claim 10, Bent teaches an XML source (§0098).
18. Regarding Claim 11, Bent teaches the data source comprises an object model (§0087).
19. Regarding Claim 12, Bent teaches a database query language (§0093).
20. Regarding Claim 13, Bent teaches a binding path (§0134).
21. Regarding Claim 14, Bent teaches a binding path is expressed as an XML Xpath (§0065 and 0134).
22. Regarding Claim 15, Bent teaches the binding path comprises an object path (§0134).
23. Regarding Claim 16, Bent teaches the first binding statement comprises an expression (§0065, "/Customer/Order[@OrderID=10]/Amount").
24. Regarding Claims 17, Bent teaches the first binding statement evaluates successfully comprised determining that the expression evaluates to true (§0309).
25. Regarding Claim 18, Bent teaches the second binding statement comprises a default value and the default value is used to update a target when only the second binding statement evaluates successfully (§0054).
26. Regarding Claim 19, the limitations of this claim has been noted in the rejection of claim 1 presented above. In addition, Bent receiving a priority order indicating an

order of execution of the plurality of binding statements (§0060), the first binding statement associated with a highest priority and the second binding statement associated with a next highest priority (§0060 and 0063); evaluating the higher priority (§0060 and 0063) executing the first binding statement (§0060 and 0063); executing the first binding statement if the evaluation is successful (§0060 and 0063); and automatically evaluating the second binding statement if the first binding statement fails the evaluation (§0060 and 0063).

27. Regarding Claims 20 and 28, the limitations of this claim have been noted in the rejection of claim 17 presented above. They are therefore rejected as set forth above.

28. Regarding Claim 21, the limitations of this claim have been noted in the rejection of claims 2, 4, and 5 presented above. It is therefore rejected as set forth above.

29. Regarding Claim 22, the limitations of this claim have been noted in the rejection of claim 18 presented above. It is therefore rejected as set forth above.

30. Regarding Claim 23 and 24, the limitations of this claim have been noted in the rejection of claim 7 presented above. They are therefore rejected as set forth above.

31. Regarding Claims 25 and 30, the limitations of this claim have been noted in the rejection of claim 1 presented above. They are therefore rejected as set forth above.

32. Regarding Claim 26, the limitations of this claim have been noted in the rejection of claim 10 presented above. It is therefore rejected as set forth above.

33. Regarding Claim 27, the limitations of this claim have been noted in the rejection of claim 16 presented above. It is therefore rejected as set forth above.

34. Regarding Claim 29, the limitations of this claim have been noted in the rejection of claim 18 presented above. It is therefore rejected as set forth above.

35. Regarding Claim 31, Bent teaches data binding paths associated with the plurality of binding statements for a change notification (§0343).

36. Regarding Claim 32, Bent teaches re-evaluating the plurality of binding statements in response to the change notification (§0343).

37. Regarding Claim 33, Bent teaches a target to at least a first data element and a second data element of a plurality of data elements of a source using a collection of binding statements (§0017, 0022, 0032) in a declarative markup language (§0055, 'Creation means 400-410 creates the binding through markup.', §0062, '...expressed using a markup language...'), evaluating the collection of binding statements with a priority data binding engine for binding the target using a priority protocol to determine which one of the binding statements (§0016, 'binding engine, element 224') to use during program development of a user interface (§0016, 0055, 0056, and 0058) where the collection of binding statements is evaluated to determine content displayed in the user interface during program execution (§0016, 0055, 0056, 0058, and 1025).

38. Regarding Claims 34-40, the limitations of these claims have been noted in the rejections of claims 1-33 presented above. They are therefore rejected as set forth above.



**NAME OF CONTACT**

39. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cheryl Lewis whose telephone number is (571) 272-4113. The examiner can normally be reached on 6:30-3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cottingham can be reached on (571) 272-3780. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

(571) 273-4113 (Use this FAX #, only after approval by Examiner, for "INFORMAL" or "DRAFT" communication. Examiners may request that a formal paper/amendment be faxed directly to them on occasions.).

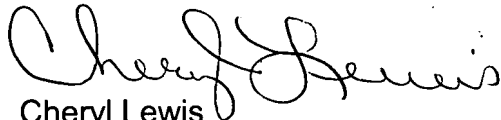
Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist/ Technology Center (571) 272-2100.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

Art Unit: 2167

For more information about the PAIR system, see <http://pair-direct.uspto.gov>.

Should you have questions on access to the Private PAIR system, contact the  
Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in cursive script, appearing to read "Cheryl Lewis".

Cheryl Lewis  
Patent Examiner  
September 4, 2007